

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

SAMUEL E. BROWN,

Civil No. 10-1248 (JRT/JJG)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

STATE OF MINNESOTA,

Respondent.

Samuel E. Brown, #213352, 7600 525th Street, Rush City, MN 55069, pro se petitioner.

Mark Nathan Lystig, **OFFICE OF THE RAMSEY COUNTY ATTORNEY**, 50 West Kellogg Boulevard, Suite 315, St. Paul, MN 55102; Matthew Frank, **OFFICE OF THE MINNESOTA ATTORNEY GENERAL**, 445 Minnesota Street, Suite 1800, St. Paul, MN 55101, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeanne J. Graham dated July 27, 2010. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 4], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus [Docket No. 1] is **DENIED**;
- and
2. This action be **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 24, 2010
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge